

Y. H. requests review of Administrative Law Judge Sessions' denial of Mr. H.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Annotated §63-46b-12 and §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

On July 28, 2004, Mr. H. filed an application to compel Carpenter Company and its insurance carrier, Zurich American (referred to jointly as "Carpenter" hereafter), to pay workers' compensation benefits for a back injury Mr. H. allegedly suffered while working for Carpenter on March 12, 2004. Carpenter responded to Mr. H.'s application by denying that Mr. H.'s back problems were work-related.

Judge Sessions held an evidentiary hearing in this matter on May 11, 2005, and then issued his decision on May 12, 2005. In summary, Judge Sessions concluded that Mr. H. did not injure his back while working for Carpenter. On that basis, Judge Sessions denied Mr. H.'s claim. Mr. H. then filed a timely motion for review.

In requesting review of Judge Sessions' decision, Mr. H. argues that his version of events surrounding his injury should be accepted and, on that basis, he should receive workers' compensation benefits for the injury.

FINDINGS OF FACT

The Appeals Board recognizes that testimony from Mr. H. and Carpenter is widely divergent. Mr. H. asserts he injured his back at work. Carpenter's several witnesses contradict Mr. H.'s testimony. Carpenter's witnesses have less of an immediate personal interest in the outcome of this case. After considering the foregoing evidence, the Appeals Board finds that Mr. H. did not injure his back at work.

DISCUSSION AND CONCLUSIONS OF LAW

Section 34A-2-401 of the Utah Workers' Compensation Act requires employers and their insurance carriers to provide medical care and disability compensation to employees injured in work-related accidents. Because Mr. H. has failed to establish that his back problem is work-related, he is not entitled to benefits under the Act.

ORDER

The Appeals Board affirms Judge Sessions' decision and denies Mr. H.'s motion for review. It is so ordered.

Dated this 13th day of June, 2006.

Colleen S. Colton, Chair

Joseph E. Hatch

Jathan Janove¹

¹ Due to Patricia Drawe's inability to participate in this matter, Jathan Janove has been selected to serve as a member of the Appeals Board pursuant to § 34A-1-303 of the Utah Labor Commission Act.